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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/509,896

12/30/2004

Gavin Milton Steer

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136 7590 12/12/2007  
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EXAMINER

VERAA, CHRISTOPHER

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                  |                                     |  |
|------------------------------|----------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/509,896    | Applicant(s)<br>STEER, GAVIN MILTON |  |
|                              | Examiner<br>Christopher E. Veraa | Art Unit<br>3611                    |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63-65 is/are allowed.
- 6) ☒ Claim(s) 58, 59, 66 and 68-70 is/are rejected.
- 7) ☒ Claim(s) 60-62, 67, 71 and 72 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 63-65 allowed.
2. Claims 61, 62, 60, 67, 71, and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Fohrman (US-4717110).

As to claim 58, Fohrman teaches a display frame comprising a resiliently flexible backing (50), a pair of channeled rails (40), a tensioning means (16), and a biasing means (52). A poster could be secured to the backing.

As to claim 59, Fohrman teaches a biasing means (52) that serves as a retaining means to secure the backing in the channels and could also engage a screen against the backing.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 66 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forhman (US-4717110) in view of Healy (US-6298591).

As to claim 66, Forhman teaches a display frame with a channeled rails and a backing securing therein, with a biasing means included on the lower channeled rail. Forhman lacks a flexible screen. Healy teaches a poster display frame with a flexible screen. It would be obvious to one of ordinary skill in the art to include a flexible screen as taught by Healy in order to protect a poster mounted on the backing. Forhman further teaches a display frame where the backing is resiliently flexible and includes a tensioning means between the rails whereby the backing is flexed.

As to claim 68, Forhman teaches a display frame with a poster engaging means disposed adjacent the upper edge of a screen.

As to claim 69, Forhman teaches a resiliently flexible clip (52).

As to claim 70, It would be obvious to one of ordinary skill in the art to include a screen, poster and backing, and to secure all three layers using the same clip (52).

***Response to Arguments***

5. Applicant's arguments filed 9/27/07 have been fully considered but they are not persuasive. The applicant argues that the sign 50, identified by the examiner as being analogous to a backing as recited in the present claims, does not have "flexible resilience" and are thus not able to achieve the claimed constructional limitations. The examiner disagrees. There are paper card signs known in the art that have sufficient thickness to have flexible resilience like that described in the present applicant such that, if placed inside channeled rails, such a sign will flex outwardly against this resilience. The applicant further argues that stem 16 does not function as a "tensioning means". On the contrary, if a paper card sign is placed into channeled rails, the stem can be adjusted so that compressive force is applied to the sign 50 causing it to flex outwardly. This compressive force is equal and opposite to a corresponding tensile force in the stem. The stem can thus perform the same function as the tensioning means in the applicant's invention.

The applicants other arguments state that the prior art lacks features that have not been claimed, namely, a "curved display frame". These arguments are therefore moot.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Veraa whose telephone number is 571-272-2329. The examiner can normally be reached on Monday through Friday, 7:00 to 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CeV

  
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